

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Caitlin Sjöstrand,	:	
Plaintiff	:	Civil Action 2:11-cv-0462
v.	:	Judge Graham
Ohio State University,	:	Magistrate Judge Abel
Defendant	:	

Discovery Dispute Conference Order

On June 14, 2012, counsel for the parties participated in a telephone discovery dispute conference with the Court.

The dispute arises over plaintiff's request for the complete files of each applicant to OSU's school psychology masters program. Plaintiff initially sought GREs and academic records for the 46 applicants to the masters program and the complete files for the 9 applicants to the doctoral program. Although it provided that information about the masters program applicants, OSU objected on the grounds of relevance.

It is OSU's position that Ms. Sjöstrand applied only to the doctoral program and that the primary reason for denying her admission into the program was that her research interests for a doctoral dissertation did not match those of the three professors who interviewed the applicants and would be their dissertation advisors. She also failed to mention the mission of the program during the interview.

OSU argues that although the questions asked masters and doctoral applicants were the same, they were evaluated differently because the doctoral candidate had to have

a shared research interest with at least one of the three professors. Plaintiff's counsel said that wasn't her impression of the three professors' deposition testimony. She did not point to any specific testimony. Plaintiff's counsel further argued that, even if they concluded that she was not a good fit for the doctoral program, they could have placed Sjöstrand in the masters program.

OSU's counsel responded that Sjöstrand did not apply for the masters program. It is not relevant to her disability discrimination claim that the professors might, hypothetically, have--without being asked--offered her admission into the masters program. Sjöstrand testified that she wanted to pursue a Ph.D. because it opened more doors than a masters. Further, she wanted to be able to practice and OSU's masters program would not have let her practice.

Without some evidence--from the depositions or documents--that the masters candidates' applications, recommendation letters, questions in lieu of a letter of intent, PAES form (graduate admissions decision form), resumes or CVs are relevant to the material issues in dispute in this lawsuit I cannot say that plaintiff is entitled to discover the masters candidates' entire application files. Plaintiff is free to file a motion to compel supported by specific citations to the deposition testimony and documentary evidence demonstrating the relevance of those files.

s/Mark R. Abel *MRA* 6/15/12
United States Magistrate Judge